

**Andrew R. Brown (AB-1644)**  
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Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Warren Rupp, Inc. :

Plaintiff, :

- Against - :

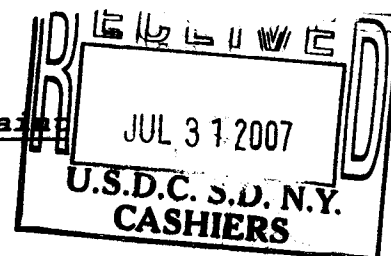
ECT Transport Ltd. d/b/a Sequest Line, :  
Geologistics Americas Inc. a/k/a :  
Geologistics Ltd., and :  
MOL (America) Inc., :

Defendants. :  
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Index No.

**JUDGE CROTTY**

**07 CIV 6872**



The Plaintiff, Warren Rupp, Inc., by its attorneys, Hill Rivkins & Hayden LLP, complaining of the above-named defendants, alleges upon information and belief:

**FIRST:** This Court has jurisdiction pursuant to 28 U.S.C. § 1333, in that this is an Admiralty and Maritime claim within the meaning of Rule 9(h) of the F.R.C.P.

**SECOND:** At and during all times hereinafter mentioned, Plaintiff, Warren Rupp, Inc. ("Rupp"), was and now is a

corporation or other business entity organized and existing by virtue of the laws of Delaware with an office and principal place of business at 800 North Main Street, Mansfield, Ohio 44905.

**THIRD:** At and during all times hereinafter mentioned, Defendant ECT Transport Ltd. d/b/a Sequest Line ("ECT"), was and now is a corporation or other business entity organized and existing by virtue of foreign law, holding Federal Maritime Commission Ocean Transport Intermediary Number 010381, and with offices and places of business at 15201 Rockaway Blvd., Jamaica, New York 11434-2867, and 410 Commerce, Carlstadt, New Jersey 07072-3017.

**FOURTH:** At and during all times hereinafter mentioned, Defendant Geologistics Americas Inc. a/k/a Geologistics Ltd. ("Geologistics") was and now is a corporation or other business entity organized and existing by virtue of Delaware law, with local offices at 15201 Rockaway Blvd., Jamaica, New York 11434-2867, and 410 Commerce, Carlstadt, New Jersey 07072-3017.

**FIFTH:** At and during all times hereinafter mentioned, Defendant MOL (America) Inc. was and now is a corporation or other business entity organized and existing by virtue of Delaware law., with a local office at 160 Fieldcrest

Ave., Box 7804, Edison, New Jersey 08818-7804.

**SIXTH:** On or about July 4, 2006, there was delivered to the defendants in good order and condition a shipment of 7 packages of Aluminum Die-casting Products suitable in every respect for the intended transportation which the defendants accepted and agreed to transport for certain consideration from Busan, Korea, to Mansfield, Ohio, under Bill of Lading Number SEL0105045/002.

**SEVENTH:** Thereafter, the defendants delivered the cargo in damaged condition.

**EIGHTH:** By reason of the premises, the defendants were negligent and careless in their handling of Plaintiff's cargo, and violated their duties and obligations as a carrier and bailee of the cargo, fundamentally breached their contract of carriage and were otherwise at fault.

**NINTH:** Plaintiff was the shipper, consignee or owner of said shipment and brings this action on its own behalf and, as agent and trustee, on behalf of and for the interest of all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and plaintiff is

entitled to maintain this action.

**TENTH:** Plaintiff has duly performed all duties and obligations on its part to be performed.

**ELEVENTH:** By reason of the premises, Plaintiff has sustained damages as nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the total amount of \$9,152.51.

**W H E R E F O R E,** Plaintiff prays:

1. That process in due form of law according to the practice of this Court may issue against the defendants.

2. That if the defendants cannot be found within this District, that all of their property within this District be attached in the sum set forth in this Complaint, with interest and costs.

3. That a decree may be entered in favor of Plaintiff against defendants in the amount of Plaintiff's damages, together with interest and costs.

4. Plaintiff further prays for such other, further and

different relief as to this Court may deem just and proper in the premises.

Dated: New York, New York  
July 31, 2007

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Warren Rupp, Inc.

By: Andrew R. Brown  
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